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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

915-008.012

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on July 5, 2011

Signature \_\_\_\_\_

Typed or printed name Marie E. Forte

Application Number

10/634,734

Filed

August 4, 2003

First Named Inventor

Antti Kiiveri, et al

Art Unit

2132

Examiner

V. Perungavoor

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 58,051

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

Keith R. Obert

Typed or printed name

203-261-1234

Telephone number

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 915-008.012  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of

Antti KIIVERI et al : Confirmation No. 6648  
Serial No. 10/634,734 : Examiner: V. Perungavoor  
Filed: August 4, 2003 : Group Art Unit: 2132  
For: SECURE EXECUTION ARCHITECTURE

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the final Office Action of April 5, 2011, please reconsider the rejections in view of the following remarks:

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CERTIFICATE OF MAILING

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Marie Forte

Dated: July 5, 2011

REMARKS

Claims 1-2, 4-8, 10-14 and 16-18 were examined by the Office, and in the final Office Action of April 5, 2011 all claims are rejected. With this response, no claims are amended, added or cancelled. Applicant respectfully submits that the Office has committed clear error in rejecting the claims, because the Office has failed to show that the cited references disclose or suggest all of the limitations recited in the claims. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

This response is submitted along with a Notice of Appeal.

**Claim Rejections Under § 103**

On page 3 of the Office Action, claims 1-2, 4-8, 10-14 and 16-18 are rejected under 35 U.S.C. § 103(a) as unpatentable over Barrenscheen (U.S. Appl. Publ. No. 2002/0184523) in view of Helbig Sr. (U.S. Appl. Publ. No. 2002/0166062). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. The cited references, alone or in combination, at least fail to disclose or suggest at least one storage area in a storage circuit in which protected data relating to security functions of the circuitry and protected applications are located, and storage circuit access control means arranged to enable a processor to access the storage area when a first processor operating mode is set, as recited in claim 1. For at least these reasons, claim 1 is not disclosed or suggested by the cited references.

In contrast to claim 1, Barrenscheen only discloses that the programmable unit transfers an application program to be carried out by the programmable unit or part of the application program, using a bootstrap loader from outside the programmable unit into an internal program memory in the programmable unit. See Barrenscheen paragraph [0016]. However, Barrenscheen does not disclose or suggest at least one storage area in a storage circuit in which protected data relating to security functions of the circuitry and protected applications are located, as recited in claim 1. Instead, Barrenscheen only states that the programmable unit transfers an application program, but provides no disclosure or suggestion that this application program is related to security functions of circuitry or is a protected application. Therefore, for at least this reason, claim 1 is not disclosed or suggested by the cited references.

The Office asserts on page 2 of the Office Action, that Barrenscheen discloses a flash memory (4) containing code-words and applications required for an intended application of the unit. See Barrenscheen paragraph [0037]. The Office appears to assert that the flash memory (4) of Barrenscheen is the equivalent of the protected area, as recited in claim 1. Claim 1 specifically recites storage circuit access control means arranged to prevent said processor from accessing said storage area in which said protected data are located when a second processor operating mode is set, and therefore Barrenscheen fails to disclose that the CPU (1) would not have access to the flash memory (4). In addition, if it is asserted that the processor is outside of the programmable unit, then the operating modes discussed in paragraphs [0055]-[0059] of Barrenscheen would relate to the programmable unit itself and not some external processor. Therefore, Barrenscheen would provide no disclosure or suggestion that the programmable unit would contain means for setting the operating mode of an external processor.

Furthermore, Barrenscheen discloses five different operating modes for the programmable unit, and include a normal starting mode, a bootstrap loader start mode, an external start mode, an unconfigured start mode, and a test mode. See Barrenscheen paragraphs [0054]-[0059]. However, in none of these operating modes can a processor access a storage area in which protected applications are stored as in the first processor operating mode recited in claim 1. Instead, in the normal start mode it is impossible for a hacker to introduce commands into the programmable unit by which the memory to be protected can be read. See Barrenscheen paragraph [0065]. In the bootstrap loader start mode, commands that originate from outside the programmable unit can be executed, but the startup program sets the locking tag, which prevents data from being read from the flash memory. See Barrenscheen paragraph [0066]. In the external start mode, both the read protection and the write protection are active, so a hacker has no chance of reading or reprogramming the flash memory. See Barrenscheen paragraph [0067]. In the unconfigured start mode, the locking tag is set so a hacker has no chance to read or reprogram the flash memory. See Barrenscheen paragraph [0068]. In the test mode, the locking tag is set by the startup program so that a hacker has not chance to read or reprogram the flash memory in this operating mode. See Barrenscheen paragraph [0069]. Therefore, Barrenscheen fails to disclose or suggest an operating mode that corresponds to the first processor operating mode recited in claim 1 in which the processor is enabled to access the storage area.

Accordingly, for at least this additional reason, claim 1 is not disclosed or suggested by the cited references.

Helbig Sr. fails to make up for the deficiencies in the teachings of Barrenscheen identified above, and therefore even the references in combination fail to disclose or suggest all of the limitations recited in claim 1.

Independent claims 7 and 13 include limitations similar to those recited in claim 1. Therefore, independent claims 7 and 13 are not disclosed or suggested by the cited references for at least the reasons discussed above with respect to claim 1.

The dependent claims rejected above, all ultimately depend from an independent claim, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

#### Conclusion

It is respectfully submitted that the present application is in condition for allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Date: 5 July 2014



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